
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☐ All Residential Care Evaluator Manual Holders
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Transmittal No.**06RM-06****Date Issued****July 2006****Subject:****REFERENCE MATERIAL – BACKGROUND CHECK PROCEDURES**

Reason For Change:

To add policy and procedure for chain facilities and dual licensed facilities.

To revise county/state clearance transfer procedures.

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7, 7.2

Reformatted Page:

7.1

New Page(s):

7.25

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7/13/06

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7-1100 CRIMINAL RECORD CLEARANCE (Continued)**7-1100**

Non-client children who turn 18 while residing or working in the facility have thirty (30) days from the date of his/her 18th birthday to submit fingerprints and obtain a clearance. See Evaluator Manual Section 1-0055 for civil penalty and removal instructions for non-compliance.

Individuals away on military duty who are returning to reside in a licensed facility have thirty (30) days from the date he/she returns to the facility to submit fingerprints and obtain a clearance. See Evaluator Manual Section 1-0055 for civil penalty and removal instructions for non-compliance.

Health and Safety Code Section 1522 (b) requires individuals, other than clients, who reside in a facility to be fingerprinted. An 18-year-old foster child who is still receiving foster care benefits does not have to be fingerprinted because he or she is still considered a client. If the 18-year-old no longer receives foster care benefits, he or she must be fingerprinted and obtain a criminal record clearance or exemption.

If the Foster Family Home or Certified Family Home is also licensed as a Family Child Care Home, anyone 18 years or older residing in the home must be fingerprinted regardless of whether he/she is a foster child and is or is not receiving foster care benefits. Health and Safety Code section 1596.871 (b) requires individuals other than children who reside in the home to be fingerprinted.

Health and Safety Code Section 1596.871(a) states that no fee shall be charged by the Department of Justice or the California State Department of Social Services for processing the fingerprints of adults associated with children's residential facilities with a capacity of six or fewer and all family child care homes regardless of the capacity. This exemption applies to the Federal Bureau of Investigation processing fees as well. (See Appendix Tab E for Fingerprint Processing Fees).

Facilities exempt from paying the Department of Justice and the Federal Bureau of Investigation fees are:

- Family Child Care Homes
- Small Family Homes
- Group Homes with a capacity of six or fewer
- Foster Family Homes
- Certified Family Homes (certified by Foster Family Agencies)

For Fiscal Years 2003 – 2004 and 2004 - 2005 these categories must pay the FBI processing fee.

7-1100 CRIMINAL RECORD CLEARANCE (Continued)**7-1100****Transferring a Clearance****Between State Licensed Facilities Or TrustLine Registry:**

Active criminal record clearances may be transferred between state licensed facilities or the TrustLine Registry program. If an individual has an active clearance, he/she should not be reprinted. Licensees or license applicants may contact their local CCLD Regional Office to verify the individual's status.

To request a clearance transfer between state licensed facilities, a licensee or license applicant must submit an LIC 9182, Criminal Record Clearance Transfer Request form to their Regional Office. Transfers to more than one facility may be requested on one form. Licensees/license applicants may attach a list of each facility number to which the individual is to be transferred.

Transfers requests from the TrustLine Registry to state licensed facilities must be on the TLR3. Transfers requests from state licensed facilities to the TrustLine Registry may be made on the TrustLine application (TLR2).

All clearance transfer requests must be submitted to the Department before the individual, who is subject to the transfer, has client contact or the licensee will be in violation of the law and subject to a \$100 civil penalty. *An individual need not wait for a confirmation of the transfer before he/she can begin work or be present in the facility.*

Between County Licensed Agencies Or Between State And County Licensed Agencies – Family Child Care, Foster Family Homes and Certified Homes Only:

Active criminal record clearances may be transferred between contracting county licensing agencies and between contracting county licensing agencies and state licensing agencies provided:

1. The transfer is within the same licensing category, i.e. FCCH to FCCH and FFH to FFH. Certified family homes are defined by the Department of Justice as the same facility type as licensed foster family homes, therefore transfers between FFA certified homes and county licensed foster family homes are allowed.
2. The individual has an “active” status at the Department of Justice, that is, the original licensing agency is still authorized to receive subsequent history information from the Department of Justice and has not made the applicant inactive by returning a ‘no longer interested’ form to the Department of Justice.

AND

3. Department of Justice transfers the authority to receive subsequent criminal record information (specifics below).

7-1100 CRIMINAL RECORD CLEARANCE (Continued)**7-1100**

The following transfers are NOT allowed;

- Between an FFH and homes utilized by another county for placement of a relative child.
- Between persons on the TrustLine Registry and county licensed FCCH or FFH.

Process For Requesting And Completing A Transfer

If a FCCH, FFH or certified home applicant, employee or resident indicates that he/she had a background check processed through another licensing agency, he/she may be eligible to have the results of that check transferred.

The receiving licensing agency must contact the licensing office that originally processed the background check to determine if the background check is eligible for a transfer and to inquire as to whether the individual has a clearance or a criminal record exemption (see EM Section 7-1770 for exemption transfers). If the background check is eligible for a transfer and the individual has a criminal record clearance, the following procedures must be followed:

- Give the individual a copy of the BCII 9002, Substitute Agency Notification Request. Copies of the form are available on the DSS Community Care Licensing Division website at <http://www.dss.cahwnet.gov/pdf/BCII9002.pdf>.
- The individual must:
 - Complete Step I of the form (applicant information).
 - Contact the previous licensing agency to obtain information to complete Step II.
 - Return the form to the receiving licensing agency with Step I and Step II completed.
- When the individual returns the form with Step I and II completed, the receiving licensing agency must complete Step III and forward the form to the Department of Justice.
- When the Department of Justice has approved the transfer, they will cease processing subsequent arrest notifications for the original licensing agency and send a copy of the form back to the receiving licensing agency indicating that the transfer has been completed.
- When the approved form is received from the Department of Justice, the receiving licensing agency must send a copy of the approved transfer form to the original licensing agency. Licensing agencies receiving notice of a Department of Justice approved transfer to another licensing agency do not need submit a No Longer Interested form to the Department of Justice.

7-1100 CRIMINAL RECORD CLEARANCE (Continued)**7-1100**

The receiving licensing agency must also review the date of the original Child Abuse Central Index check. If the original inquiry was made prior to January 1, 1999, the individual must submit a new CACI request as part of the transfer process. The licensing agency requesting the transfer must ensure that the applicant submits an LIC 198 (and a \$15 processing fee) along with the Substitute Agency Notification Request (BCII 9002), with Steps I and II completed, to the Department of Justice.

Licensure or certification cannot be approved until the Department of Justice has approved the transfer.

Employment or residency cannot begin until the Department of Justice has approved the transfer.

NOTE: The above transfer procedures are for CLEARANCES ONLY. See Evaluator Manual Section 7-1770 for exemption transfer procedures.

Chain Facilities – Central Administrative File:

A licensee with multiple licensed facilities may be allowed to designate one facility file, within a regional office, as the central administrative file for criminal record association purposes provided the licensee requests that an administrative file be set up and agrees to:

- Submit an updated LIC 500 quarterly for each facility.
- Designate a staff person in the facility whose file is selected as the central administrative file to provide any licensing agent a record of which facility each staff person has worked. The record must include dates.
- Inform the director/administrator of each facility which staff person currently working in the facility has a criminal record exemption.

If the licensee opts to designate an administrative file and the above criteria are met, staff associated to the central administrative file may work in any of the facilities in the region without transferring or adding associations. Staff currently associated to each individual facility need not be transferred to the central file.

If a licensee of multiple facilities does not associate all employees to one designated administrative file, and an employee is found to be working in a facility he/she is not associated to, cite the licensee but do not assess civil penalties. Give the facility administrator a transfer request form (LIC 9182) and have him/her complete the form during the visit.